

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of ) **MAIL STOP AF**  
Richard Russell et al. ) Group Art Unit: 2621  
Application No.: 10/830,222 ) Examiner: Anand Shashikant Rao  
Filed: April 23, 2004 ) Confirmation No.: 7748  
For: METHOD AND APPARATUS FOR )  
VIDEO ON DEMAND )

OK TO ENTER: /A.R./ (11/08/2010)

**REQUEST FOR RECONSIDERATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication is a full and timely response to the final Office Action dated July 21, 2010. Claims 1-26 and 44-48 remain pending, where claims 4, 5, 9-11, 13, 14, 17, 18, and 27-43 are withdrawn from consideration. Based on the discussion that follows, reconsideration and allowance of the claims are respectfully requested.

Applicants note that the Examiner has not indicated the status of claims 45-48 in the current Office Action. These claims neither are listed on the Office Action Summary nor are they discussed or addressed in the Examiner's Remarks. As a result, Applicants believe that the finality of the October 30, 2009 Office Action is improper, since a clear issue between the Applicants and the Examiner regarding the status of these claims has not been established. See MPEP §706.07

In numbered paragraph 4 on page 2 of the Office Action, claims 1-3, 6-8, 12, 15, 16, 19, 20, 23-26, and 44 are rejected under 35 U.S.C. §103(a) for alleged unpatentability over *Lofgren* (US 6,664,976) in view of *Rhoads* (US 7,099,492) and